

Message Text

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ACTION TRSE-00

INFO OCT-01 EUR-12 ISO-00 EB-07 AGR-05 CEA-01 CIAE-00

COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05 L-02 LAB-04

NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-04

TAR-01 USIA-06 PRS-01 SP-02 FEAE-00 OMB-01 /091 W

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R 231015Z APR 75

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC 4532

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E.O. 11652: N/A

TAGS: ETRD, PL

SUBJECT: ANTI-DUMPING PROCEEDINGS: POLISH GOLF CARTS

REF: STATE 091296

1. THE EMBASSY APPRECIATES THE DETAILED PRESENTATION
CONTAINED IN REFTEL.

2. OUR CONCERN ON THIS DUMPING CASE IS NOT THAT THE US
ANTI-DUMPING STATUTES AND PROCEDURES SHOULD BE MODIFIED
BY TREASURY IN THEIR APPLICATION TO THE POLES, BUT TO
INSURE AS BEST WE CAN THAT POLISH AUTHORITIES APPRECIATE
THEY HAVE HAD A FAIR HEARING IN A JUDICIAL PROCEDURE WHICH
IS AS INSULATED AS POSSIBLE FROM THE PRESSURES WHICH US
COMPANIES AND THEIR POLITICAL ALLIES CAN BRING TO BEAR.

3. POLISH AUTHORITIES ARE NOT NOW CONVINCED THAT THE
PROCESS HAS BEEN FREE FROM OUTSIDE PRESSURES. THEY QUOTE
US OFFICIALS AS SAYING THAT THIS CASE WAS PARTICULARLY
DIFFICULT BECAUSE OF ALL THE OUTSIDE PRESSURE TO WHICH
THEY WERE SUBJECTED. ONE OFFICIAL REPORTEDLY TOLD THEM
THAT THE PRESSURE WAS SUCH IN THIS CASE THAT HE WOULD
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NEED 150 PERCENT PROOF BEFORE HE COULD MAKE A RECOMMEN-

DATION IN POLAND'S FAVOR.

4. OTHER SPECIFIC EXAMPLES WHICH THE POLES CITE OF WHAT THEY CONSIDER TO BE LESS THAN FAIR TREATMENT INCLUDE:

- A. THE RELUCTANCE OF US OFFICIALS TO ACCEPT THE VALIDITY OF A STUDY DONE BY A REPUTABLE CANADIAN CONSULTANT ON WHAT IT WOULD COST TO PRODUCE GOLF CARTS IN CANADA ON A MASS BASIS AS OPPOSED TO THE MUCH SMALLER SCALE OF THE CANADIAN COMPANY WHOSE COSTS ARE USED IN THE CONSTRUCTED-VALUE CALCULATION;
- B. THE REQUIREMENT THAT THEY SUPPORT THEIR CLAIM OF ECONOMIES OF SCALE WITH DATA WHICH CAN PROBABLY ONLY BE ACQUIRED FROM THE POLES' US COMPETITORS;
- C. THE REPORTED ADMISSION BY ONE US OFFICIAL THAT THE CANADIAN COMPANY WHICH WAS USED FOR THE CONSTRUCTED-COST CALCULATION PROBABLY WAS COLLABORATING WITH THE US FIRM WHICH INITIATED THE ANTI-TRUST ACTION.

5. THERE ARE TWO FURTHER POINTS WHICH THE EMBASSY BELIEVES SHOULD BE CONSIDERED IN THIS CASE. FIRST AT LEAST PART OF THE INCREASED SHIPMENTS NOTED IN PARA 3 OF REFTEL MAY BE DUE TO THE FACT THAT THE POLES INITIATED A NEW DISTRIBUTION SYSTEM AT ABOUT THE TIME THAT THE INCREASE TOOK PLACE. SECOND, SOME OF THE DELAYS IN SUBMISSION OF EVIDENCE MAY BE DUE TO THE FACT THAT THE POLES EXPERIENCED DIFFICULTIES IN FINDING SUCH EVIDENCE, SUCH AS THE ECONOMIES OF SCALE DATA NOTED ABOVE. FURTHERMORE, THE POLES MAY HAVE FAILED TO APPRECIATE THE NEED FOR FULLER DOCUMENTATION BECAUSE THEY FELT THAT THEIR CASE WAS SO GOOD. FOR EXAMPLE, THEY DID NOT SEEK ASSISTANCE FROM THEIR US DEALERS UNTIL AFTER THE MARCH 14 DECISION HAD BEEN ANNOUNCED.

DAVIES

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Margaret P. Grafeld
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